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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/781,591

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Shuowen Yang

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04/14/2005

Law Office of Roxana H. Yang

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EXAMINER

DUONG, DUC T

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,591

Applicant(s)

YANG ET AL.

Examiner

Duc T. Duong

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 9-11, 13, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 2, 4-8, 12 and 14-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The indicated allowability of claims 1, 3, 9-11, 13, 20, and 21 are withdrawn in view of the rejections based on newly cited reference(s).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding to claims 16-18, the claims preamble called a computer program product that's depend on claim 8, however claim 8 is a method. Thus, claims 16-18 has an improper dependency, and therefore making the claims indefinite.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 9-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatti et al (U.S. Patent 6,304,906 B1) in view of Kroon (U.S. Patent 6, 816,458 B1).

Regarding to claims 1, 3, 11, and 13, Bhatti discloses a method for managing requests in a mobile device system, comprising the steps of assigning a priority (the classification policy read on priority) to each queue 111 in a set of priority queues (fig. 4 col. 8 lines 25-27); inputting requests into said set of priority queues 111 based on a priority associated with each request (fig. 4 col. 8 lines 24-25); and sending said request to a request queue for a connection in a connection pool 114 for said destination (fig. 4 col. 8 lines 27-40).

Bhatti fails to teach for multiplexing multiple requests in said set of priority queues into a multiplex request based on priorities associated with said multiple requests and a destination for said multiple requests (claims 3 and 13).

However, Kroon discloses a method for prioritizing message packets comprising a priority manager 206 and a packet conglomerator 207 for multiplexing a plurality of packets into a single packet based on priorities and destination (fig. 2 and 4 col. 8 lines 50-60).

Thus, it would have been obvious to a person of ordinary skill in the art to employ the step of merging of said packets as taught by Kroon in Bhatti's system for the purpose of reducing the number of transmissions.

Regarding to claims 9 and 10, Bhatti discloses the destination is a server identified by a domain name or a database (fig. 3 col. 6 lines 1-12; the content sites 108s read on both the server and database).

5. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seeds (US 6,763,520 B1) in view of Kroon..

Art Unit: 2663

Regarding to claims 19 and 20, Seeds discloses an apparatus 10 for managing data in a mobile device system, comprising a request receiver (implicitly shown) for receiving a requests (fig. 2 col. 3 lines 7-9); a set of priority (col. 5 lines 48-52; noted the service type is a priority based type) queues 22 for storing said requests (fig. 2 col. 4 lines 1-3); a dispatch manager 24 for dispatching said requests from said set of priority queues 22 (fig. 2 col. 4 lines 7-8); a set of request queues 28, each request queue 28 being assigned to a connection (fig. 2 col. 4 lines 18-29), wherein said requests are stored into said priority queue 22 based on priorities associated with each request (fig. 2 col. 6 lines 1-4).

Seeds fails to teach for said dispatch manager 24 sends each of said requests into a request queue for a connection based on a destination of each request and wherein said dispatch manager includes multiplexors for multiplexing said multiple requests into said merged request based on priorities assigned to said multiple requests when said multiple requests are destined to a destination.

However, Kroon discloses an apparatus for prioritizing message packets comprising a priority manager 206 and a packet conglomerator 207 for multiplexing a plurality of packets into a single packet based on priorities and destination (fig. 2 and 4 col. 8 lines 50-60).

Thus, it would have been obvious to a person of ordinary skill in the art to employ the step of merging of said packets as taught by Seeds in Bhatti's system for the purpose of reducing the number of transmissions.

Allowable Subject Matter

Art Unit: 2663

6. Claim 2, 4-8, 12, 14, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 16-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or make obvious the step of or means for **“assigning a high priority to a request if the request is user initiated and assigning a low priority to a request if the request is not user initiated”**, when the assigning is considered within the specific structure of the method recited in claim 2 or the device recited in claim 12. The prior art of record fails to teach or make obvious the step of or means for **“sending a dummy request to extend the connection duration with said destination”**, when the sending is considered within the specific structure of the method recited in claim 4 or the device recited in claim 14. The prior art of record fails to teach or make obvious the step of or means for **“calculating a total processing time of each request queue for each connection in said connection pool and sending a next request into a request queue having the lowest total processing time in said connection pool”**, when the calculating and sending are considered within the specific structure of the method recited in claim 5 or the device recited in claim 15. The prior art of record fails to teach or make obvious the step of or means for **“initiating a sampling process to sample all requests and**

Art Unit: 2663

compiling a first list of frequently requested destinations based on said sampling process", when the sampling and compiling are considered within the specific structure of the method recited in claim 6 or the device recited in claim 16.


Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD


RICKY NGO
PRIMARY EXAMINER 4/11/05